

1 THE HONORABLE THOMAS S. ZILLY  
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6 U.S. DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON

8 STRIKE 3 HOLDINGS, LLC, a Delaware  
9 corporation,

10 Plaintiff,

11 vs.

12 JOHN DOE, subscriber assigned IP  
13 address 73.225.38.130,

14 Defendant.

15 JOHN DOE subscriber assigned IP  
16 address 73.225.38.130,

17 Counterclaimant,

18 vs.

19 STRIKE 3 HOLDINGS, LLC,

20 Counterdefendant.

21 NO. 2:17-cv-01731-TSZ

22 [PROPOSED] ORDER GRANTING  
23 THE MOTION FOR SUMMARY  
24 JUDGMENT OF NON-  
25 INFRINGEMENT AND AN AWARD  
26 OF ATTORNEY FEES AND COSTS

27 **WHEREAS:**

Plaintiff Strike 3 Holdings, LLC sued Defendant JOHN DOE subscriber assigned IP address 73.225.38.130, for the infringement of 87 Works. (Docket 43-1). Defendant counterclaimed a declaratory relief of non-infringement on the 87 works.

This Court ordered Defendant to file a motion for summary judgment on the issue of non-infringement of the 87 works and also prove-up fees and costs. Defendant timely filed this

1 motion and provided evidence that there was no triable issue of fact that Strike 3 Holdings, LLC  
2 can demonstrate that John Doe infringed the 87 works. This Court finds that John Doe did not  
3 infringe the 87 works.

4 John Doe is the prevailing party under the Copyright Act. 17 USC §505. John Doe has  
5 demonstrated reasonable fees and costs pursuant to a Lodestar analysis. John Doe is entitled to  
6 fees and costs and is awarded the amounts of \_\_\_\_\_ (fees) and \_\_\_\_\_ (costs) for a total of  
7 \_\_\_\_\_.

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10 So Ordered:  
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United States District Court